

App. No. 10/716,802  
Amdt. Dated May 30, 2006  
Reply to Office Action of February 27, 2006  
Atty. Dkt. No. 8591-111

### REMARKS / ARGUMENTS

This reply is responsive to an Office Action dated February 27, 2006. Reconsideration and allowance of the application and presently pending claims 19-35 and 37-40 are respectfully requested.

#### Present Status of the Patent Application

Claims 19-35 and 37-40 remain pending in the present application. Claims 19-33 have been allowed. Claims 34, 35, and 37 have been rejected. Claims 34, 35, and 37 have been amended. Claims 38-40 have been added.

Applicant would like to thank the Examiner for the indication of allowable subject matter for claims 19-33.

#### Response to Claim Rejections Under 35 U.S.C. §103

Claims 34, 35, and 37 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nakatsuyama (U.S. Patent Application No 2002/0143550) in view of Beckert et al. (U.S. Patent No. 6,796,497). Applicant respectfully traverses this rejection.

The Nakatsuyama patent discloses shopping using an Internet-enabled device, such as a personal computer, a PDA, or a cell phone. The Benkert patent discloses a credit limit card system, but does not disclose the use of transmitters.

#### *Independent Claim 34*

Independent Claim 34, as amended, is allowable for at least the reason that Nakatsuyama and Beckert do not disclose, teach, or suggest the invention as defined by claim 34.

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1) "providing a transmitter to an individual for transmissions confined within the facility"

Nakatsuyama discloses providing an Internet enabled-device, such as a cell phone or other portable device, to communicate with online shopping sites. However, these devices, as acknowledged by the Examiner, have an area of coverage of the cell phone network (substantially the entire world) and make transmissions to cell phone towers which are distributed throughout the cell phone network. Since the cell phone network can not be equated to a facility and the cell phone towers are not located within a facility, these transmission must be made outside a facility. Therefore, the devices provided in Nakatsuyama do not make "transmissions strictly within the facility."

Benkert does not disclose the use of transmitters at all.

Neither Nakatsuyama nor Benkert disclose "providing a transmitter to an individual for transmissions strictly within the facility."

2) "receiving personal identification information of the individual into at least one of a set of stations distributed throughout the facility"

The Examiner considers cell phone towers implied by the use of cell phones in Nakatsuyama to be the "stations." However, the cell phone towers can not be considered to be "distributed throughout the facility," since cell phone towers are not located within facilities.

Benkert does not disclose the use of stations at all.

Neither Nakatsuyama nor Benkert disclose "receiving personal identification information of the individual into at least one of a set of stations distributed throughout the facility."

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3) "receiving transaction information from at least one cashless station located within the facility"

The Examiner considers cell phone towers implied by the use of cell phones in Nakatsuyama to be the "stations." However, the cell phone towers can not be considered to be "located within the facility," since cell phone towers are not located within facilities.

Benkert does not disclose the use of stations at all.

Neither Nakatsuyama nor Benkert disclose "receiving transaction information from at least one cashless station located within the facility."

4) "scanning the transmitter with the individual physically located at the cashless station located within the facility"

The Examiner considers cell phone towers implied by the use of cell phones in Nakatsuyama to be the "stations." However, the cell phone towers can not be considered to be "located within the facility," since cell phone towers are not located within facilities. Furthermore, cell phone towers would not be utilized to scan a transmitter "with the individual physically located at" the cell phone tower due to the potential health hazard. Cell phone towers transmit and receive radio frequency (RF) signals. While the effect on humans of the exposure of radio frequency waves from cell phone towers may be inconclusive, several agencies, such as the National Council of Radiation Protections and Measurement, the International Radiation Protection Association, the Institute of Electrical and Electronics Engineers, and the American National Standards Institute, have established guidelines for exposure to RF radiation originating from cell phone towers to protect workers, as well as the public, from the potentially harmful RF radiation. Therefore, cell phone towers would be neither located within the facility nor used to scan the individual's transmitter.

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Benkert does not disclose transmitters, stations, or scanning at all.

Neither Nakatsuyama nor Benkert disclose "scanning the transmitter with the individual physically located at the cashless station located within the facility"

5) "creating transaction reports in response to the individual making cashless purchases at cashless stations located within the facility"

The Examiner acknowledges that Nakatsuyama lacks the teaching of "creating transaction reports." Furthermore, the Examiner considers cell phone towers implied by the use of cell phones in Nakatsuyama to be the "stations." However, the cell phone towers can not be considered to be "located within the facility," since cell phone towers are not located within facilities.

The Examiner utilizing the teachings of Benkert states it would be obvious to include transaction reports, "such as credit card statements," to the teachings of Nakatsuyama. However, such credit card statements include all purchases made by the card holder and are not limited to purchases made with a particular facility.

Neither Nakatsuyama nor Benkert disclose "creating transaction reports in response to the individual making cashless purchases at cashless stations located within the facility."

In summary, the transmitters (cell phones) of Nakatsuyama make transmissions to cell phone towers in the cell phone network (substantially the entire world), not "transmissions confined within the facility." The stations (cell phone towers) of Nakatsuyama are distributed throughout the cell phone network (substantially the entire world), not "located within the facility." The cashless stations (cell phone towers) of Nakatsuyama would not be utilized to scan the transmitter "with the individual physically located at the cashless station" due to the potential health hazard to the individual. The

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transaction reports (credit card statements) of Benkert include all purchases made by the card holder, not just the "cashless purchases at cashless stations located within the facility." The Examiner acknowledges the lack of teaching of "creating transaction reports" in Nakatsuyama and of transmitters in Benkert.

Accordingly, the rejection is deficient in these areas. Notwithstanding, the undersigned has reviewed the entirety of the Nakatsuyama and Benkert patents and has failed to identify any such teachings anywhere within these references. Accordingly, the Nakatsuyama and Benkert patents fail to teach or disclose the invention as defined by claim 34, and the rejection of claim 34 should be withdrawn.

*Independent Claim 35*

Independent claim 35, as amended, is allowable for at least the reason that Nakatsuyama and Berkert do not disclose, teach, or suggest the invention as defined by claim 35 as described above regarding claim 34. Accordingly, the Nakatsuyama and Berkert patents fail to teach or disclose the invention as defined by claim 35, and the rejection of claim 35 should be withdrawn.

*Independent Claim 37*

Independent claim 37, as amended, is allowable for at least the reason that Nakatsuyama and Berkert do not disclose, teach, or suggest the invention as defined by claim 37 as described above regarding claim 34. Accordingly, the Nakatsuyama and Berkert patents fail to teach or disclose the invention as defined by claim 37, and the rejection of claim 37 should be withdrawn.

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New Claims

Applicant respectfully submits that new claims 38-40 are in condition for allowance.

**CONCLUSION**

The other cited art of record has been reviewed, and it is believed that the claims, as amended, patentably distinguish thereof.

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and rejections have been traversed, rendered moot, and/or accommodated, and that now pending claims 19-35 and 37-40 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at 619-231-3666.

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Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

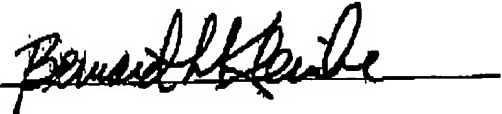
Respectfully submitted,

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